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10/12/07

HIGH COURT OF CHHATTISGARH AT BILASPUR
DIVISION BENCH

CORAM: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

Writ Petition No. 704 of 2005

Petitioner : Kumari Geetanjali Manekar aged about 28 years, D/o Shri Kundlik Manekar, R/o Near Chandrakar Kirana Stores, Mahabir Nagar, Purena, Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh Through Secretary Tribal Dept. D.K.S. Bhavan, Raipur (C.G.)
2. High Level Caste Certificate Scrutiny Committee, Through the Member Secretary, Schedule Caste Schedule Tribe Development, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
3. Secretary, Chhattisgarh State Electricity Board, Dangania Raipur (C.G.)
4. Union of India through Secretary Ministry of Home Affairs South Block, New Delhi.

Writ petition under Articles 226/227 of the Constitution of India

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Present : Shri Jitendra Pali, counsel for the petitioner.
Shri U.N.S. Deo, Government Advocate for the State.
Shri Abhishek Sinha, counsel for respondent No.3.

ORAL ORDER
(Passed on 04th December, 2007)

The following oral order of the Court was passed by Hon'ble Jagdish Bhalla, Ag. C.J.

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Learned counsel for the petitioner informs this Court that the matter is squarely covered by the decision of this Court in W.P.(C)No. 5070/2007, dated 27-09-2007. The relevant portion of the said order is as under:

> "Learned Advocate General appearing for the respondents / State informs that the judgment of the learned Single Judge was wrongly interpreted and in compliance of the judgment in Writ Petition No. 2510/2004 dated 04-02-2005, the Government by an order dated 02-02-2006 had kept its notification dated 06-07-2004 in abeyance. Thereafter the Government has issued another order dated 27-06-2007 wherein definition of bonafide residents of Chhattisgarh has been defined and explained which includes (i) persons belonging to the central services posted at Chhattisgarh, their spouses or children; (ii) all the employees of State of Chhattisgarh, their spouses or children; (iii) persons appointed on Constitutional or Statutory posts by President of India, their spouses or children; (iv) Corporations, Agencies, Commissions, Board's Officials/Officers/employees, their spouses or children. This Government order is to benefit the petitioners-students with respect to bonafide residents of Chhattisgarh.
>
> We are of the considered opinion that once such persons have been recognized as residents of Chhattisgarh, then the same analogy shall apply for the purpose of the admissions of children of the 'categories referred to hereinabove are concerned, if their casts is included in the Presidential Order.
>
> The respondents are directed to consider the candidature of the petitioners-students afresh in the light of the observations made hereinabove, in accordance with law.
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> With the aforesaid observation, the writ petitions stand disposed of." ,

Learned counsel appearing for the respondents do not dispute the submission made by learned counsel for the petitioner.

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Accordingly, the respondents are directed to consider the candidature of the petitioner afresh in the light of order dated 27.06.2007 passed by the State Government and order passed by this Court in W.P.(C)No.5070/2007.

In the light of above, the writ petition stands disposed of.

Sd//-
Ag. Chief Justice

Sd/-
Satish K. Agnihotri
Judge

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